

Serial Number: 09/868,435

Attr. Docket: TRK 0001 PA/53426.1

Remarks

By this response, claims 26-31, and 50-76 have been cancelled, and claims 77-108 are new for which protection is desired. As support for the amendments is provided for by the specification and drawings as originally filed, no new matter has been entered. Accordingly, claims 77-108 are pending in this application.

35 U.S.C. § 101

As claims 50-75 are now cancelled, the rejection under 35 U.S.C. § 101 is moot.

35 U.S.C. § 103

As claims 26-31, 50-76 are now cancelled, the rejections under 35 U.S.C. § 103 are moot.

New claims

New independent claim 77 recites, *inter alia*, the limitations "a release unit located at the local site and which has a user interface and an output, said release unit: permits selection of the selected digital information product from among the plurality of different digital information products stored on the mass data storage device by receiving a request via the user interface from the customer to manufacture on demand at the local site the selected digital information product to the physical media, and issues, via the output, the request as a product release request to the licensing control center;" and "a control unit located at the local site and which controls both the media generator and the package generator, said control unit in response to receiving an electronic release code, which is both unique to and provided only for the selected digital information product by the licensing control center in response to receiving the product release request to authorize the on demand manufacturing of the selected digital information product at the local site to the physical media...."

New independent claim 78 recites, *inter alia*, the limitations "a release unit located at the local site and which has a user interface and an output, said release unit: permits selection of the selected digital information product from among the plurality of different digital information products stored on the mass data storage device by receiving a request via the user interface from the customer to manufacture on demand at the local site the selected digital information product

to the physical media, and issues via the output the request as a product release request;" and "a control unit located at the local site and which controls both the media generator and the package generator, said control unit in response to receiving the issued unique electronic release code from the remote licensing control center authorizing the on demand manufacturing of the selected digital information product to the physical media...."

By the above mentioned limitations, the recited invention of claims 77 and 78 are limited to on demand manufacturing – which is not described or suggested by the any of cited prior art – Dolphin, Katz, or Grundy, individually or when viewed together. For example, Dolphin is a post manufacture access control mechanism to prevent unauthorized uses of data, not for preventing unauthorized manufacture. Dolphin implies use of standard mass production techniques to replicate discs to distribute. Discs are sent to end users, who request access to the data on the disc from their home computer (such as over the internet), but there is no request (or point of sale) involved at the local site which manufactures the discs. Dolphin describes sending discs to customers via standard distribution channels, such as the postal service (see for example, col. 4, lines 25-28). Therefore, there will be a significant delay between a customer ordering a product and product delivery. The sending of discs may be on request in the sense of printing an address label, wherein the printing of address labels for posting may be unique to the customer but not the items in the envelope which are mass produced. Clearly, the system of Dolphin does not manufacture locally on-site and on-demand a physical media which contains a digital information product selected by the customer as recited by the claim.

Katz discloses a computer network based digital information library system which uses authorized playback devices and is cited for teaching that processing continues if systems in the system are authorized systems. Therefore, Dolphin and Katz combined teach electronic distribution of digital content direct to an end user using an end user's computer.

Grundy is cited by the Examiner for purposes of receiving a request for an upgrade sale which includes a previous license number, and therefore fails to cure the above noted deficiencies. As such, these references when viewed as a whole and together do not teach the manufacture of a physical product on demand at a local site when selected by the customer.

New claims 77 and 78 also recites the limitation of "control unit also prevents the complete generation of any other digital information product before receipt of another electronic

release code unique only to the other digital information product from the remote licensing control center."

It is noted, and the Examiner appears to have agreed in the Office Action, that the authorization code of Dolphin is not used to control manufacture of the physical media. To cure this deficiency the Examiner points to Katz. However, it is noted also that the system of Katz does not prevent the manufacture of the physical media before receipt of a unique electronic release code in the manner as recited by the above claim. Katz uses an authorization system in which a library server will send digital content to a client computer that has an authorized electronic software player (and physical software player) and the software player will only access digital content from an authorized library server, which appears to be akin to the present day I-Tunes software from Apple. However, once the software player(s) of Katz is authorized all digital content on the library server is viewable on the client computer via the software player. Clearly, by the above-mentioned limitations such is not the recited invention of claims 77 and 78.

Other shortcomings are noted in the teachings of the cited prior art. For example, Dolphin does not describe a mass data storage device located at the local site as explicitly recited. Dolphin describes two subsystems (col. 4, lines 4-5), one subsystem is where the publisher defines their data prior to mastering, the other is where a user having received a mass produced copy of the master (col. 6, lines 39-41) requests the decryption key to access a portion of the data (col. 4, lines 48-54). The publisher's storage device, where they master data and the end users local computer cannot be described as both being in the same local site. As neither Katz nor Grundy cure this noted deficiency, claims 77 and 78 also appear patentable over the cited art on this basis also.

Dolphin also does not describe a local media generator generating the selected digital information product by storing on the physical media the digital information and by recording on the physical media the issued unique release code. Dolphin does describe a writer device (col. 5, line 9), but this is to create a master to be replicated (col. 6, line 39-41), not a unique instance. Dolphin does not write a unique release code, it merely writes one or more Key Material Identifiers (col. 6, line 22) on to the media which are used to later identify the encrypted content and not uniquely identify the individual disc. Dolphin does not teach anything about controlling

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the replication process and is not concerned with controlling or auditing replication only controlling use of the data on the replicated media. As neither Katz nor Grundy cure this noted deficiency, claims 77 and 78 also appear patentable over the cited art on this basis also.

As the remaining claims depend either directly or indirectly from claims 77 and 78, in view of the above comments, such claims are also believed patentable over the cited art.

Conclusion

The Applicants respectfully submit that, in view of the above amendments and remarks, the application is now in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
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